

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

APPROVED 7/13/09

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 22nd day of June 2009 A.D. at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:	Donald Bollin-President	Jay Lambert
	JoAnne Arruda-Vice President	Cecil E. Leonard-Absent
	Hannibal Costa	Edward Roderick
	Louise Durfee	

Town Administrator, James C. Goncalo
Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Bollin read the items on the Consent Agenda.

Councilor Durfee requested removal of items A-4, Resolutions Opposing Rate Hikes and A-5, Treasurer's Reports.

Councilor Arruda made a motion, seconded by Councilor Roderick to approve the remaining items on the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

BUSINESS BROUGHT BEFORE THE COUNCIL
CONSENT AGENDA

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Minutes from June 8, 2009 Regular Council Meeting
- b. Approval of Executive Session Minutes from June 8, 2009 Council Meeting

A-2-Receipt of Minutes from Various Board and Commissions:

- | | |
|------------------------|--------------------------|
| a. Art's Council | d. Open Space Commission |
| b. Cemetery Commission | e. Prevention Coalition |
| c. Historical Cemetery | f. Recreation Commission |

A-3-Correspondence:

- a. Received From Town of Westerly Regarding Resolution in Support of U.S. Supreme Court Opinion in *Carcieri v Salazar*-Rhode Island Land Governed by State Law and Municipal Ordinances
- b. Received From Town of Charlestown Regarding Resolution Opposing Electric Rate Increase
- c. Received From Town of Charlestown Regarding Resolution Opposing Health Insurance Rate Hikes
- d. Received From Alliance to Preserve Tiverton's Quality Commending Council and Particularly Councilor Leonard for His Leadership Role on May 11th Council Meeting for Adoption of Council Goals

A-6-Susan Medeiros, FSAH Bike Ride – Request Permission to Host 4th Annual Bike Ride Thru Town of Tiverton – Response From Police Department

A-7- Recreation Commission – Request Workshop to Discuss Fund Raising Ideas for Bulgarmarsh Field and Plan – Scheduled for June 29, 2009

Town of Tiverton Resolution Opposing Electric Rate Increase

Councilor Arruda made a motion, seconded by Councilor Durfee to adopt the Resolution opposing Electric Rate Increases. Motion passed unanimously.

Town of Tiverton Resolution Opposing Health Insurance Rate Hikes

Councilor Arruda made a motion, seconded by Councilor Roderick to adopt the Resolution opposing Health Insurance Rate Hikes. Motion passed unanimously.

Distribution of Treasurer's Budget and Revenue Report Dated June 15, 2009

Councilor Durfee questioned the Treasurer about the Revenue Report, page 2, Tax Receipts. Shows a balance of \$3.4 million yet to come in. Shows 12% of taxes owed have not been paid. Prior to the meeting in June the Council was given a report showing a receivable balance of roughly 877,000. Requested explanation for the difference. Treasurer DiMattia said the difference was from deducting the Prepaid Taxes from the Tax Receipts. Councilor Durfee noted that still leaves a substantial difference, concerned with affects of the statement to bond holders.

Administrator Goncalo noted the report was as of 6/17, did not have a chance to reconcile, would get back to the Council by email. Councilor Durfee noted the numbers should reconcile to the official statement, will expect to receive answers.

PUBLIC HEARINGS- ADVERTISED

Joint Public Hearing on Comprehensive Plan Update with Planning Board

At a Joint Public Hearing of the Planning Board and the Town Council, Administrative Officer Kate Michaud conducted the roll call for the Planning Board. Planning Board members Chairman Stephen Hughes, Vice Chair Peter Corr, Patricia Sylvester, Frank DiMauro, Peter Moniz and Stuart Hardy were present. Ms. Michaud opened the Public Hearing portion for the Planning Board. On May 4, 2009 a Joint Workshop was held between the Planning Board and the Council recommending changes to the Comprehensive Community Plan Update (Comp. Plan), initially adopted by the Town Council in 2006. Town Planner, Christopher Spencer, updated the document with the recommended changes and sent it to Statewide Planning for review. Mr. Spencer handed a memo to the Council, dated 6/22/09, regarding some of the changes, including the changes the Council requested. Statewide Planning did not object to the Council's request to removing references to Land Use 2025 on page 60, as they felt overall the Comp. Plan was consistent with the goals of Land Use 2025. Also on page 60 the Council wanted to insert *existing* before water and sewer infrastructure. Statewide Planning asked the word *existing* be either struck out or insert the word *planned* after *existing*.

Council President Bollin asked if anyone from the Public wanted to be heard on the Comp. Plan revisions. Even though there were no comments, President Bollin left the Public Hearing open during Council discussion. Noted the changes the Council addressed were in the update. Councilor Durfee questioned the mechanics of Transfer Development Rights (TDR) and experiences with them. Solicitor Teitz assisted in drafting language for North Kingstown and gave a brief explanation. There are sending areas and receiving areas identified by the Town. The idea is to take part of your right to develop and transfer it to another area. Envisions applying for a master plan approval, designated as TDR send. Would have to be a yield plan, still need approval by the Planning Board. Would get recorded and some sort of stock certificate issued. They would be registered with the Town, could also be sold. Then a developer could come in, see who has transfer rights and if they want to sell. In the future the Land Trust could sell transfer rights that would set up a steady stream of income.

Some lots would be designated TDR and not be developed. Once certificates issued the developer could not change their mind and build on the TDR lots in the sending area. Remains Open Space, can't change mind later, and could only be donated. Advantage-creates a market simultaneously, Town can create a bank and sell later. Councilor Durfee noted the need to be a little careful, not to make the North end of Town too dense.

Mr. Spencer noted TDR is a voluntary program, in the Comp. Plan because of the State's feedback. Basically puts development where you support it. Councilor Durfee pointed out the Town needs to do this carefully and thoughtfully. Councilor Bollin saw the Comp. Plan as developing, thinks it's a good idea to put in the Plan to want to develop a program Takes a practical look at how to build out the Town.

Planning Board member Peter Moniz believed the Town should set a deadline, Comp. Plan a tedious process. Can't sit back and wait. Another problem is the GIS, should be more advanced and online. As far as GIS, Mr. Spencer said that would up and running in the near future. Ms. Michaud note there is an implementation chart at the back of the Plan. Councilor Costa believed it should say we would have a program, in reference to the TDR program. Mr. Spencer noted at the next update the Council could say they looked into TDR and either does or doesn't work for the Town. Councilor Costa asked how it would affect taxes. Solicitor Teitz noted if there is no development then there are no taxes. most likely a multiplier is used. Plan is agricultural land would have a higher value; land with a higher scenic value would have more TDR.

Assessor, Dave Robert also noted, generally excess land value comes under RI Statutes as excess land, varies by Town, roughly 25%. Until it becomes a subdivision, doesn't become a lot value. Land values not the same as tax value. Councilor Bollin believed the idea is to keep open space open. Planning Board member Stuart Hardy noted getting the design standards in place so a mixed-use area would be smart growth.

Mr. Spencer did not believe there would be too many receiving areas, has good benefits, not a gigantic program. Councilor Durfee wanted to see the word *consider* put back in. Charles M. Moran, Jr. brought up the issue of adequate on street parking. Page 121 calls for "essential to provide circulation of traffic", suggested on street parking be removed. Mr. Spencer noted on street parking should remain in the Plan, number of reasons to consider. Safety on Main Road, slows traffic down, decreases crossing time, and increases economic development.

President Bollin closed the Public Hearing at this time. The Planning Board also closed their Public Hearing at this time.

Councilor Durfee made a motion to approve the revisions to the Comp. Plan, on page 60, include *existing* or planned water and sewer infrastructure and change from develop to *consider TDR*.

Solicitor Teitz noted both have to consider, the Council has to amend with the language Chris gave today. Leave to the Planning Board first to consider that course. Stuart Hardy, as a practical matter, moved the Planning Board support the amendments as provided, except drop the word develop and insert consider. Motion was seconded by Mr. DiMauro and passed unanimously by the Planning Board. Mr. DiMauro then made a motion to approve as revised the Comprehensive Community Plan Update. Motion passed unanimously by the Planning Board.

Councilor Durfee made a motion, seconded by Councilor Costa to approve the revisions to the Comprehensive Plan as presented and change word from *develop* to *consider*. Motion passed unanimously.

Councilor Durfee made a motion, seconded by Councilor Costa to approve the 5-year amendments to the Comprehensive Plan. Motion passed unanimously.

Councilor Durfee motioned to adjourn the Public Hearing. Seconded by Councilor Roderick motion passed unanimously.

At this time, Frank DiMauro motioned for Planning Board to adjourn, seconded by Trish Sylvester. Motion passed unanimously.

Town Clerk – Request Approval of Amendment to Article II, Chapter 78- Traffic and Vehicles- Section 37, Stop Streets for Addition of Stop Sign at the South East Corner of Roosevelt Avenue at the Intersection of Roosevelt Avenue and Bulgarmarsh Road

President Bollin opened the Public Hearing on a request for an Amendment to Article II, Chapter 78. No one came forward to speak; President Bollin closed the Public Hearing.

Councilor Costa made a motion, seconded by Councilor Arruda to approve the change in the Ordinance amending Article II, Chapter 78-37 Stop Streets- (24) Intersection of Roosevelt Avenue and Bulgarmarsh Road at the South East corner on Roosevelt Avenue. Added to listing of Stop Signs. Motion passed unanimously.

Karen Lucas for St. Theresa's Parish, 265 Stafford Road – Request Noise Ordinance Variance for Annual Feast on July 31st and August 1st, 2009 between 6:00p.m.to 9:00 p.m. – Subject to Meeting All Legal Requirements

President Bollin opened the Public Hearing for a request to the Noise Ordinance Variance for the Annual Feast at St. Theresa's Parish. No one came forward to speak; President Bollin closed the Public Hearing.

Councilor Costa made a motion to approve the request for a Noise Ordinance Variance for the Annual Feast on July 31st and August 1st, 2009 between 6:00 p.m. to 9:00 p.m. Seconded by Councilor Roderick motion passed unanimously.

The Town Council was sitting as the Board of Licensing Commissioners:
BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:

Karen Lucas for St. Theresa's Parish, 265 Stafford Road – Request (3) Class F Liquor Licenses for Annual Parish Festival Subject to Meeting All Legal Requirements
a. July 31, 2009 between 5:00 p.m. to 10:00 o'clock p.m.
b. August 1, 2009 between 12:00 p.m.to 10:00 p.m.

c. August 2, 2009 between 12:00 p.m. to 10:00 p.m.

Councilor Arruda made a motion to grant (3) Class F Liquor Licenses for St. Theresa's Annual Parish Festival on July 31, 2009 between 5:00 pm and 10:00 pm., on August 1, 2009 between 12:00 pm and 10:00 pm., and on August 2, 2009 between 12:00 pm and 10:00 pm. Seconded by Councilor Costa motion passed unanimously.

Councilor Durfee made a motion to move the Appointments up, out of order. Seconded by Councilor Roderick motion passed unanimously.

APPOINTMENTS & RESIGNATIONS

The Council was presented a list by the Town Clerk of the various requests for re-appointment. The Clerk had recently received a call from Ray LaFazia, currently 1st alternate for the Zoning Board of Review, was willing to be re-appointed but as 2nd alternate until a replacement can be found for that board.

Councilor Durfee made a motion, seconded by Councilor Roderick to re-appoint the persons listed to the bodies for the terms set forth as presented by the Town Clerk and to include the re-appointment of Ray LaFazia. Motion passed unanimously.

The list for Applicants requesting re-appointment was as follows:

- | | |
|------------------------------|---|
| 1. Arts Commission | Susan Mocarski-recently appointed to be extended to 6/30/2011. |
| 2. Cemetery Commission | Robert Vieira term expiring 6/30/2012. |
| 3. Economic Development | Leonard Schmidt term expiring 6/30/2013. |
| 4. Tiverton Housing | Nancy Snow- Extend term to 6/30/2010 to Correct Term of Current Appointment
Bobby J. Harris – term expiring 6/30/2014. |
| 5. Juvenile Hearing Board | Richard E. Bush (first alternate) to full member term to expire 6/30/2012
Robert Vermette (from second alternate to first alternate) term to expire 6/30/2010. |
| 6. Library Board of Trustees | Jennifer Rashleigh term expiring 6/30/2012
Jennifer Theroux term expiring 6/30/2012 |
| 7. Open Space Commission | John Philip Schuyler term expiring 6/30/2012
Martin Van Hof – term expiring 6/30/2012
Ginger Lacy term expiring 6/30/2012 |
| 8. Personnel Board | James Camara term expiring 6/30/2013
Alfred F. Almeida, Jr. term expiring 6/30/2013 |
| 9. Planning Board | Stephen Hughes term expiring 6/30/2012
Philip Marks term expiring 6/30/2012
Patricia Sylvester expiring 6/30/2012 |
| 10. Zoning Board of Review | Lise Gescheidt term expiring 6/30/2014
Michael Mello to first alternate term expiring 6/30/2010
Raymond LaFazia to second alternate term expiring 6/30/2010 |

NEW APPLICANTS FOR VACANT POSITIONS

Councilor Lambert made a motion to appoint Lois Marshall and Richard Sardinha to the **Arts Council**, each for a one-year term expiring 6/30/2010. Seconded by Councilor Arruda motion passed unanimously.

Councilor Costa made a motion, seconded by Councilor Arruda, to appoint Eugene Raposa to the **Juvenile Hearing Board** as 2nd Alternate term expiring 6/30/2010. Motion passed unanimously.

Councilor Arruda made a motion, seconded by Councilor Roderick to appoint Richard Joslin to the **Recycling Committee** to a term expiring 6/30/2010. Motion passed unanimously.

Councilor Durfee made a motion, seconded by Councilor Arruda to appoint Noel Berg and Jeffrey Stearns to the **Wastewater Management Commission** each to a three-year term expiring 6/30/2012. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Costa to appoint Leon W. Hoyer, MD to the **Library Board of Trustees** to a term expiring 6/30/2012. Motion passed unanimously.

FINANCIAL BUSINESS:

Town Administrator – Request Approval of Council Carry Forward

- a. **\$40,763.90 in Acct# 1-100-102-799-00 (Future Needs) to 2009-10 F/Y**

Councilor Durfee made a motion, seconded by Councilor Arruda to approve the request to Carry Forward \$40,763.90 in Account #1-100-102-799-00 (Future Needs) to 2009/10 F/Y. Motion passed unanimously.

b. \$15,000 in Acct# 098-997 (Fogland Beach Map and Survey)

Councilor Durfee made a motion, seconded by Councilor Costa to approve the request to Carry Forward \$15,000 in Account #098-997 (Fogland Beach Map and Survey) to 2009/10 F/Y. Motion passed unanimously.

c. \$9,920 in Acct# 554-452 Grass & Brush Cutting for Spring Road Side Cutting

Councilor Costa made a motion to approve the request to Carry Forward \$9,920 in Account #554-452 (Grass & Brush Cutting) to 2009/10 F/Y. Seconded by Councilor Roderick for discussion.

Councilor Roderick questioned the use of a subcontractor as the purchase of a Cutter was discussed at a prior meeting. Administrator Goncalo noted the grass on the sides of the roads needs to be cut, looking for equipment to fit the budget. Councilor Bollin suggested putting money into the equipment account, then could be used where needed. Councilor Durfee suggested doing the carry over and dealing with it after.

Councilor Durfee made a motion, seconded by Councilor Roderick to Carry Forward \$9,920 in Account #554-452. Motion passed unanimously.

Town Administrator – Request Approval of Transfers per Attached List

Administrator Goncalo noted this was the extent of Transfers for this year, most going to FICA and Litigation. Councilor Bollin questioned the transfers from Fire Salaries and Street Lights when prior transfers were made. T/A Goncalo explained the money was being held for a potential retiree, which will not materialize. Not sure why FICA was short, probably from overtime. Will check to see it's properly funded.

Councilor Roderick made a motion, seconded by Councilor Durfee to approve the Transfers as listed. Motion passed unanimously.

Transfer of Funds:

<u>From</u>	<u>Description</u>	<u>To Account</u>	<u>Description</u>	<u>Amount</u>
219-266	Health Ins.	105-359	Litigation	\$5,700
219-166	Health Ins.	225-265	FICA	\$12,000
104-640	TH Building	225-265	FICA	\$3,500
214-106	Treas. Long	225-265	FICA	\$1,200
102-890	Council Misc.	225-265	FICA	\$12,425
112-101	T.A. Clerical	112-100	T.A. Salary	\$3,833
101-101	T.C. Clerical	105-359	Litigation	\$3,620
331-101	Fire Salaries	338-745	Street Lights	\$9,000
331-101	Fire Salaries	105-359	Litigation	\$2,000

Town Treasurer – Request Transfer of \$3,399.40 from Acct# 214-101(Treas. Clerical) to Acct#214-100 (Treasurer Salary)

Administrator Goncalo had previously requested a transfer to the State Aid Reduction account. Additional money needed to balance Account #214-100.

Councilor Durfee made a motion, seconded by Councilor Roderick to approve the Transfer of \$3,399.40 from Account #214-101 (Treasurer Clerical) to Account #214-100 (Treasurer Salary). Motion passed unanimously.

Town Administrator/Zoning – Request Authorization to Carry Forward \$805.49 from 2008-09 Carry Forward Acct# 098-108-340 (Zoning Board of Review Stenographer) to 2009-10 F/Y in a Restricted Account

T/A Goncalo explained this should really be in a restricted account and not in an appropriated account.

Councilor Durfee made a motion, seconded by Councilor Roderick to create a restricted account to Carry Forward \$805.49 from 2008-09, Account #098-108-340 (Zoning Board of Review Stenographer) to 2009-10 F/Y to deposit monies in conjunction with Zoning Board applicants. Motion passed unanimously.

UNFINISHED BUSINESS

Chris Spencer, Town Planner – Request Public Hearing on Proposed Zoning Changes

Town Planner, Christopher Spencer, appeared before the Council on a request to schedule a Public Hearing on Proposed Zoning Changes. The Planning Board has considered the changes and voted to meet with the Council with a positive

recommendation. At the May 4th Workshop Planner gave a visual presentation highlighting the need for zoning changes. For example to develop the old Brooks Pharmacy Store on Main Road, could only build less than what is there now, based on suburban setbacks has a reduction in parking. With relaxed setbacks and on street parking could yield a building 50 ft. deep by 100 ft. wide and be two stories high, gets to the idea of mixed use. Ultimately recommends a form-based code, and then write the code to enforce the form. Zoning currently defines what we don't want. Start of an interim process, look at potential developments and set up a review committee.

Solicitor Teitz did ask for an opportunity to review the proposed changes, has written a lot of zoning ordinances as well as the State Acts, agrees with the concept as good planning practice, and is also a Certified Planner. Has a problem with some parts of the proposal indicating need to follow State procedures, 95 % can be done, Town needs to be in a defensible format. Should have a written framework, Design review committee a good idea, need to change some of the terminology. Suggests creation of a Zoning Revision Advisory Committee, will need an ordinance to come in line with the Comp. Plan, not on the Agenda, can't act now. Suggest committee be comprised of 2 Councilors, 2 Planning Board members, Town Planner, Administrative Officer, Town Solicitor, Assistant Town Solicitor and a local developer. Body to review all or some zoning.

Mr. Spencer's opinion was that committee would be a waste of money. Time sensitive for DOT, looking at introducing on street parking. Time sensitive for economic development, the Planning Board has already set up a similar committee. Councilor Durfee had concerns about drafting, the time frames, could be clearer from a developers standpoint. Does it conform to State Law? Would add someone from EDC to this committee and a time frame. Thinks the concept is excellent but it is not drafted to withstand a challenge. President Bollin believes the lawyers need to look at this did not think Council should be on this committee. Should take what we have here and make sure measures allow it to be defensible. If Planning Board lawyers and Solicitor Teitz get together can be done in 6 months.

Councilor Arruda wanted to see this move forward expeditiously. Councilor Roderick agreed, time was of the essence. Councilor Durfee had some concerns, discretion is untrammelled, and people have a right to appeal. Solicitor Teitz noted he discussed this with Mr. Spencer, needs to be verbalized, some specific language, need objective regulations. Could have something by the next Council Meeting, and then set a date for the Public Hearing.

Councilor Durfee made a motion, seconded by Councilor Costa to continue to July 13, 2009 and to receive a report from Peter Ruggiero and Solicitor Teitz. Motion passed unanimously.

Tiverton Recycling/Landfill Committee – Recommendation for a “Pay As You Throw” Trash Program

Councilor Durfee noted this topic should be handled separately, No Bin No Barrel policy; Pay As You Throw needs a Workshop for further discussion.

Councilor Durfee made a motion, seconded by Councilor Arruda to continue the “Pay As You Throw” Trash Program discussion to the Workshop on June 29, 2009. Motion passed unanimously.

Steve Rys, Recycling Committee, discussed the Barrel Program. In short residents put out both a blue and green bin with the weekly rubbish collection or their rubbish will not be picked up. Can substitute a trash barrel labeled with a recycling sticker. President Bollin questioned advertising the program. Steve Berlucchi, DPW Director, did not think it feasible to start the program immediately, need a mailing, public notice on the Town website, need two months to get the message out. Councilor Lambert's problem was the economic impact on residents. This should be taken up as part of the workshop. Councilor Bollin's problem was with the timing, taxes just went up. The taxes support trash pick-up, another 100-200 extra then it's a tax increase.

Councilor Durfee made a motion, seconded by Councilor Roderick to continue both subject to the Workshop on June 29, 2009. Motion passed unanimously.

NEW BUSINESS:

Leroy Kendricks, WWMC Chairman – 2010 State Revolving Fund Submittals – Proposed Projects for RIDEM Project Priority List

Leroy Kendricks, Wastewater Management Commission Chairman and Superintendent John Lincourt presented the Council with a list of projects being submitted to the RIDEM to be put on the Project Priority List. The State asks for the list every year for Statewide Revolving Funding. Two projects are continuation of existing programs, which don't cost the Town up front money. The other four are a wish list, don't have funding for them. Councilor Durfee noted one of the Council Goals was get Stimulus funds for Bay St. Mr. Lincourt stated the project has been submitted to Senator Reed. Councilor Durfee thanked them for keeping the Council informed. Councilor Bollin noted No. Tiverton sewerage should be on the list. Mr. Kendricks stated they had no problem with adding that to the list. In reality, the State portion is \$27 million; the projects the

Town submitted were over \$25 million. Trying to get an earmark, very tough, also looking at other ways. President Bollin thanked them for their hard work and diligence.

Town Administrator – Discussions Regarding Continued Maintenance and Future of Nonquit and Ranger School Buildings

T/A Goncalo began the discussions of the future of Nonquit and Old Ranger Schools. Suggested should probably defer to a workshop. Put together a list of costs associated with minimum needs to refurbish the schools, there are pros to using the two schools, and costs to maintain. Gathering info, not sure if the buildings can be sold before the next Financial Town Meeting (FTM), needs a serious look. Discussion just as a preliminary step.

BIDS & REQUESTS FOR PROPOSALS

Town Administrator/ DPW Director – Request Award of Bids as Recommended by DPW Director – Continued From June 8th Meeting

T/A Goncalo noted this item was continued from June 8th. As directed the calculations were removed.

a. Bituminous Concrete Paving to P. J. Keating Co.

Councilor Durfee made a motion, seconded by Councilor Roderick to award the aforesaid bid, Bituminous Concrete Paving at the stated unit prices to P.J. Keating Co. Motion passed unanimously.

b. Road Materials to G. Lopes Construction, Inc.

Councilor Durfee made a motion, seconded by Councilor Roderick, to award the bid for Road Materials, at the price set forth to the low bidder G. Lopes Construction, Inc. Motion passed unanimously.

c. Catch Basin Blocks to Hi-Way Concrete Products Co., Inc.

Councilor Durfee made a motion, seconded by Councilor Arruda, to award the bid for Catch Basin Blocks to Hi-Way Concrete Products Co., Inc. at the stated price. Motion passed unanimously.

d. Unleaded Gasoline and Dyed Off-Road Diesel Fuel to Buckley Energy Group

Councilor Durfee made a motion, seconded by Councilor Arruda to award the bid for Unleaded Gasoline and Dyed Off-Road Diesel Fuel to the lowest bidder, Buckley Energy Group. Motion passed unanimously.

In response to a previous question by Councilor Costa as to the cost of resurfacing a road; to resurface ¼ mile of standard road costs \$25,000.

Town Administrator/Senior Director – Recommend Authorization of Bid Award to Low Bidder Hetzler Contracting for Repair of Senior Center Roof Pursuant to Meeting All Federal and State Guidelines

Councilor Durfee made a motion, seconded by Councilor Arruda to approve a Bid Award to the low bidder, Hetzler Contracting for repair of the Senior Center Roof subject to meeting all Federal and State Guidelines. Motion passed unanimously.

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

1. Tax bills sent out last Thursday, Motor Vehicle bills to follow.
2. The outstanding Real Estate Tax analysis for 08/09 was received.
3. Commended Dept. Heads on transfers, want to thank them for their support, extraordinary job in managing budgets.
4. Placing Paws is requesting to put 3 Dog Comfort Stations for dog waste. Will work with them, they will maintain and install.
5. Request from Newport County Visitors Bureau for a new appointee. Need a name by August 12, 2009.
6. Highway Dept. receiving a new 2003 F350 Dump Truck, 64,000 miles, valued at \$15,000, a drug forfeiture vehicle.
7. On June 29th, meeting with Keith Stokes on the Industrial Park.
8. Letter to Congressman Kennedy for planning received, first phase, approval next step sometime in August or September.
9. Town Hall will be closed on Monday July 6, 2009, as the State, Independence Day Holiday.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Costa asked fellow Councilors to give more thought to changing the current Fiscal Year for the next meeting.

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

CLOSED EXECUTIVE SESSION

Town Solicitor - Litigation – 42-46-5(a) (2)

Town Administrator – 42-46-5(a)(2) – Collective Bargaining - Teamsters, IAFF and IBPO

Councilor Durfee made a motion, seconded by Councilor Arruda to enter into Executive Session pursuant to 42-46-5(a)(2)-Litigation. Motion passed unanimously.

Councilor Durfee made a motion, seconded by Councilor Arruda to further remain in Executive Session pursuant to 42-46-5(a)(2)-Collective Bargaining-Teamsters, IAFF and IBPO. Motion passed unanimously.

The Council entered into Executive Session at approximately 9:45 p.m.

The Council returned to Open Session at approximately 10:30 p.m.

OPEN SESSION:

Council President Bollin announced no formal action had been taken in Executive Session

Councilor Roderick motioned to seal the minutes of the Executive Session, seconded by Councilor Arruda. Motion passed unanimously.

ADJOURNMENT:

Councilor Roderick made a motion, seconded by Councilor Arruda to adjourn. The motion passed unanimously.

The meeting adjourned at approximately 10:35 p.m.

A True Copy.

ATTEST: _____ Nancy L. Mello, Town Clerk